a book for the lawyer in search of argument or authority, the work is not helpful. The citations are far from exhaustive and the analytical discussion of underlying principles is almost entirely omitted. The book consists mainly of a summary of the rules of law which govern the relations of the members of a family toward one another. While the disabilities of married women and infants, and other matters usually treated in more comprehensive treatises upon domestic relations, are of necessity touched upon incidentally, they are dismissed as briefly as their relation to the subject will permit. The rules of law are stated concisely and in the main clearly, but without much attempt at illustration or elaboration of detail. Theoretical discussions of the law, the weighing of reasons for or against the acceptance of a principle, and criticisms of the decisions as they stand are for the most part wanting. In fact, the book seems in most respects best adapted for use as a text-book in a law school in which the text-book method of instruction is employed, and in which the instructor intends to rely upon the class-room work for the purpose of supplying both the reasons underlying the settled law and the more particular applications of its principles.

One notes a few propositions which seem as they are stated to be somewhat misleading. For instance, in § 43 one reads that marriages between citizens of a state which have been declared by a state statute to be void, are held void although contracted in another state in which they are not prohibited. This seems to be an over-statement. A void marriage is no marriage at all. But a marriage contracted by citizens of Ohio in Kentucky in order to avoid the laws of Ohio, if valid in Kentucky, will be recognized as valid by all states other than Ohio. Again, in § 142 it is stated that the parties themselves are bound by a decree of divorce fraudulently obtained upon the voluntary appearance of both in a proceeding in a jurisdiction where neither had a domicile, and that they cannot avoid the decree in a collateral proceeding afterwards instituted in the state of their domicile. The author notes in the appended citations that Andrews *v.* Andrews (188 U. S. 14) is to the contrary. Inasmuch as the final decision as to the binding effect of a decree rendered in another state lies with the United States Supreme Court, it would seem that there is a patent inconsistency in the author's statements as to the law and as to the holding of Andrews *v.* Andrews. In the same section the author maintains that where a person goes to a state and resides there for the purpose of procuring a divorce, the divorce is invalid, as the plaintiff does not comply with the rule requiring him to have a *bona fide* domicile in the state in which suit is brought, and cites Andrews *v.* Andrews for the proposition. If it is intended to be laid down that a person who goes to a state and resides there with the intention of making it his home cannot procure a valid divorce in that state in case his motive in so doing was to take advantage of its divorce laws, it may well be doubted whether the proposition is law. Certainly Andrews *v.* Andrews goes rather on the ground that no domicile was acquired in South Dakota because of a lack of real intention to make a home there. Notwithstanding the defects of the work, however, it should prove useful to the elementary student as a concise and for the most part accurate statement of the law.

H. LEB. S.

THE LAW OF CRIMES. By John Wilder May. Third Edition, edited by Harry Augustus Bigelow. Boston: Little, Brown, & Company. 1905. pp. liv, 366. 8vo.

The present volume, which is a third edition of Mr. May's well known work on Criminal Law, introduces even more extensive changes than did the second edition by Prof. J. H. Beale, Jr. One hundred and fourteen new sections and parts of sections have been added. The pages of its text number three hundred and thirty-two as against three hundred and twenty-one in the second, and two hundred and twenty-eight in the first edition, while the number of cases cited has been increased, chiefly by the addition of the late authorities, from some eight hundred in the first, and two thousand in the second, to over thirty-six

hundred in the third edition. This disproportion in the growth of the citations and of the text has had the advantage of leaving the latter brief enough for the purposes of the student, while giving something of the fullness of authority needed by the practicing lawyer. The first part of the book is devoted to an exposition of the general principles underlying both common law and statutory crimes, such as intent, capacity, and justification. The second part gives a brief survey of criminal procedure, while the third consists of careful definition of all the principal crimes.

The author has the misleading though common habit, probably derived by false analogy from the English text writers, of citing single uncontradicted decisions of state courts as general law. At times, too, a case cited is not authority for the point of law which it is said to support, — as where the famous case of Regina *v.* Keyn (2 Ex. D. 63) is quoted to prove that a nation has a quasi-territorial jurisdiction for three miles from its shores. Yet the work has obviously been given real thought. It is not a mere rearrangement of the time-worn text-book fallacies for purposes of sale. Its statements of principle are clear and refreshingly brief. Where distinctions are shadowy or incapable of certain application, the author has had the courage to say so frankly, instead of inventing bizarre criteria which no court could be counted on to sustain. While the book may still be too brief to be of much service to the practicing lawyer in preparing any particular case, yet for the student and general reader it stands distinctly above the average and is perhaps the best available work.

THE CONSTITUTIONAL DECISIONS OF JOHN MARSHALL. Edited with an Introductory Essay, by Joseph P. Cotton, Jr. In two volumes. New York and London: G. P. Putnam's Sons. 1905. pp. xxxvi, 462; v, 464. 8vo.

If the editor of these volumes had intended to prepare the constitutional decisions of Marshall's time for the present use of lawyers, he would have had no difficulty in forming a plan. Lawyers want a head-note giving the *ratio decidendi*, then the original reporter's statement or an equivalent, then the arguments of counsel or an abstract, then all the opinions, whether concurring or dissenting, and finally notes citing all the later cases and other literature; and they care little for critical comment, being of the contented view that what is done is done. The task set before the present editor is the very different and more perplexing one of adapting cases to the uses of the general reader. His plan is to reprint merely the opinions of Marshall, omitting formal head-notes, the technical statement of the cases, the arguments of counsel, and, with a few exceptions, the concurring and dissenting opinions. His editorial additions do not give numerous citations, but give in an introductory essay a rather conventional view of Marshall and of contemporary history, and prefix to each opinion comments indicating the doctrine of the case, the mode in which the question arose, and the editor's estimate of Marshall's opinion and of the influence which that opinion has exercised. As judicial opinions are not written for laymen, and as laymen cannot be cured of a tendency to believe that a *dictum* is just as authoritative as the *ratio decidendi*, it seems doubtful whether it is just to a judge or useful to the public to take judicial opinions out of their habitat and to place them before the general reader. Yet if the task is to be attempted, there is much to be said in favor of the present editor's plan. In view of the difficulties encountered by him, it is disagreeable to call attention to apparent blemishes. The introductory essay, quite appropriately intended to be laudatory, gives the unfortunate impression that Marshall was the whole court and that his opinions were dictated by partisan bias, and fails to indicate that throughout two-thirds of his service most of his colleagues were not of his own political faith. Again, the comments on the several opinions express disapproval more freely than is the habit of the profession, and certainly must be strong meat for laymen; for the editor questions almost half of Marshall's constitutional opinions in the Supreme Court, including almost three-fourths of